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| APPLICATION NO.  | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 09/641,031   | 08/16/2000  | Arvind A. Raichur    | 30874-UT            | 3761             |
| 5179   | 7590        | 07/13/2005           | EXAMINER            |                  |
| PEACOCK MYERS, P.C.<br>P O BOX 26927<br>ALBUQUERQUE, NM 87125-6927 |             |                      | SMITH, PETER J      |                  |
|  |             |                      | ART UNIT            | PAPER NUMBER     |
|  |             |                      | 2176                |                  |
| DATE MAILED: 07/13/2005  |             |                      |                     |                  |

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action  
Before the Filing of an Appeal Brief**

|   |                                       |  |
|---|---------------------------------------|--|
| <b>Application No.</b><br>09/641,031<br><br><b>Examiner</b><br>Peter J. Smith | <b>Applicant(s)</b><br>RAICHUR ET AL. |  |
|---|---------------------------------------|--|

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 24 June 2005 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1.  The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

a)  The period for reply expires \_\_\_\_\_ months from the mailing date of the final rejection.  
 b)  The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**NOTICE OF APPEAL**

2.  The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

**AMENDMENTS**

3.  The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because

(a)  They raise new issues that would require further consideration and/or search (see NOTE below);  
 (b)  They raise the issue of new matter (see NOTE below);  
 (c)  They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
 (d)  They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_. (See 37 CFR 1.116 and 41.33(a)).

4.  The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).  
 5.  Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.  
 6.  Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  
 7.  For purposes of appeal, the proposed amendment(s): a)  will not be entered, or b)  will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: \_\_\_\_\_

Claim(s) objected to: \_\_\_\_\_

Claim(s) rejected: \_\_\_\_\_

Claim(s) withdrawn from consideration: \_\_\_\_\_

**AFFIDAVIT OR OTHER EVIDENCE**

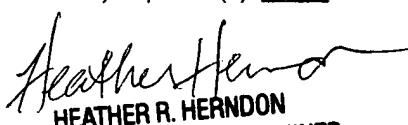
8.  The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  
 9.  The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).  
 10.  The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

**REQUEST FOR RECONSIDERATION/OTHER**

11.  The request for reconsideration has been considered but does NOT place the application in condition for allowance because:  
See Continuation Sheet.

12.  Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). \_\_\_\_\_

13.  Other: \_\_\_\_\_

  
**HEATHER R. HERNDON**  
**SUPERVISORY PATENT EXAMINER**  
**TECHNOLOGY CENTER 2100**

Continuation of 11. does NOT place the application in condition for allowance because: Regarding Applicant's arguments that the combination of Jain and Chen fails to teach the claimed invention as presented in independent claims 1, 9, and 17, the Examiner respectfully disagrees. The Examiner believes the broadest reasonable interpretation of the claimed limitation of an "index server maintaining an index to hypertext transmission protocol pages and employing a hierarchical plurality of topic categories" reads upon the bookmarked searching as taught by Jain because the search is performed by the server. Bookmarks can be organized into a hierarchy of folders and thus these read upon the claimed "hierarchical plurality of topic categories" under its broadest reasonable interpretation. Since the bookmark index is provided to the server prior to searching, the index is thus maintained by the server under the broadest reasonable interpretation of an "index server maintaining an index to hypertext transmission protocol pages". Regarding Applicant's example that the present invention enables a user to rename topic categories, the Examiner does not see how this is defined in independent claims 1, 9, and 17. Regarding Applicant's example that the present invention adds links dynamically without input from the user, the Examiner does not believe this is clearly defined in independent claims 1, 9, and 17. The Examiner believes the claimed "index server maintaining an index to hypertext transmission protocol pages" does not exclude an index created from a user's bookmarks. The Examiner maintains this belief because Applicant's own invention as described in the specification, and mentioned in page 4 of the remarks, uses a DSC block of code to instruct the DISE server how to customize the index. Jain, in a similar manner, is using a cookie containing the user's bookmarks, to instruct the index server to search an index composed only of the websites identified by the user's bookmarks. The Examiner believes that Jain teaches, as is presently defined by the claimed invention, an index server maintaining an index to hypertext transmission protocol pages and employing a customizable hierarchical plurality of topic categories to organize the index. Thus, in combination with the selective topic searching as taught by Chen, the Examiner believes the invention as presently claimed is rendered obvious by the teachings of Jain and Chen.